



Imprimatur,

*Hen: Scobell,*

*Cleric: Parliament.*





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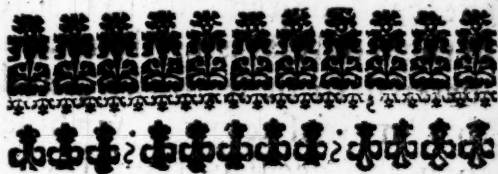


A  
COLLECTION  
Of such of the  
ORDERS  
Heretofore used in  
CHANCERY,  
With Such  
Alterations and Additions

thereunto, as the Right Honourable the  
Lords Commissioners for the  
*GREAT SEAL* of *ENGLAND*,  
By and with the advice and assistance of the  
Honorable the Master of the *Rolls*,  
Have thought fit at present (in Order to a fur-  
ther Reformation now under their Lordships  
Consideration) to Ordain and Publish,  
FOR  
Reforming of several Abuses in the said Court,  
preventing Multiplicity of Suits, Motions, and un-  
necessary Charge to the Suitors, and for their  
more expeditious and certain course for Relief.

London, Printed by Robert White for Francis Tyton, and  
are to be sold at his shop, at the three Daggers near  
the Inner-Temple, Fleetstreet. 1652.





# Pleadings.

**T**Hat no Councillor  
do put his hand to any Bill, Answer,  
or other Pleading, <sup>I.</sup> Succinct-  
ness in  
Bills and  
Pleadings.  
unless it be drawn, or at least  
perused by himself in the paper-  
draught, before it be engrossed,  
(which they shall do well, for  
their own discharge, to sign al-  
so after perusal.) And Coun-  
cel are to take care, that the  
same be not stult with Repeti-  
tions of Deeds, Writings, or  
Records in *Hac Verba*; but the

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effect and substance of so much of them only, as is pertinent and material to be set down, and that in brief terms, without long and needless traverses of points not traversable, tautologies, multiplication of words, or other impertinencies, occasioning needless prolixity, to the end the ancient brevity, and succinctness in Bills, and other Pleadings, may be restored and observed. Much less may Counsel insert therein any matter merely criminous or scandalous under the penalty of good costs to be laid on such Counsel, and payd to the party grieved before such Counsel be heard in Court.

*Pleas*

*Pleas and Demurrers.*

**F**ORasmuch as the Defendent <sup>2.</sup>  
 being served with Proces <sup>What</sup>  
 to answer, may by advice of <sup>Pleas or</sup>  
 Council, upon sight of the Bill <sup>Demurrers</sup>  
 only, be enabled to demur <sup>may be</sup>  
 thereunto, if there be cause; or <sup>put in</sup>  
 may by like advice be enabled <sup>without</sup>  
 to put in any just plea, which he <sup>personal</sup>  
 hath in disability of the person <sup>attend-</sup>  
 of the Plaintiff, or to the Juris- <sup>ance, or</sup>  
 diction of the Court: It is there- <sup>charge of</sup>  
 fore Ordered, That such De- <sup>Commis-</sup>  
 murrer, or such Plea in disabi- <sup>sion.</sup>  
 lity, or to the Jurisdiction of  
 the Court under the hand of  
 Council learned, shall be re-  
 ceived and filed, although the  
 Defendent do not deliver the  
 same in person, or by Commis-  
 sion; and therefore if the De-

Defendent shall pray a Commis-  
 sion, and thereby return a De-  
 murrer only, or only such Plea  
 which shall be afterwards over-  
 ruled, the Defendent shall pay  
 five Marks costs; and although  
 it be allowed, the Defendent  
 shall have no costs in respect of  
 the Plaintiffs needless trouble,  
 occasioned by such commis-  
 sion.

3.  
 No plead-  
 ings to be  
 of effect  
 till filed.

No Demurrer shall be said  
 to be received, or to be of effect  
 in Court, until the same be filed  
 to the Clerk, being the Plaintiffs  
 Attorney. No more shall any  
 Bill, Answer, or other Pleading,  
 be said to be of Record, or to be  
 of any effect in Court, until the  
 same be filed with such of the  
 six Clerks, with whom it ought  
 properly to remain.

Every

Every Demurrer shall express the several Causes of Demurrer, and shall be determined in open Court. And such Pleas also as are grounded upon the substance and body of the matter, or extend to the Jurisdiction of the Court, shall be determined in open Court: And for that purpose the Defendent is to enter the same with the Register, within eight days after the filing thereof; or in default of such entry made, the same shall be disallowed of course, as put in for delay, and the Plaintiff may then take out Proces to enforce the Defendent to make a better answer, and pay forty shillings costs, and the same shal not afterwards be admitted to be set down or debated, unless (upon special reason shewed to the Court before such

4.  
Demur-  
rers and  
Pleas on  
the Mat-  
ter, or to  
the jurisdic-  
tion.

such Proces to make better answer be taken out) it shall be otherwise ordered by the Court. And if any cause of Demurrer shall arise, and be insisted on at the debate of the Demurrer (more then is particularly alledged) yet the Defendant shal pay the ordinary costs of over-ruling a Demurrer, (which is hereby ordered to be five Marks.) if those causes which are particularly alledged be disallowed, although the Bill, in respect of that particular, so newly alledged, shall be dismissed by the Court.

5.  
Plea of  
Outlary.

A Plea of Outlary, if it be in any Suit for that duty, touching which, relief is sought by the Bill, is insufficient according to the Rule of Law, and shall be disallowed of course, as put in



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in for delay, and the Plaintiff may ( notwithstanding such Plea ) take out Proces to enforce the Defendent to make a better answer, and pay five Marks costs; Otherwise a Plea of Outlary is always a good Plea, so long as the Outlary remaineth in force, and therefore the Defendent shall not be put to set it down with the Register: And after the said Outlary reversed, the Defendent upon a new Subpoena served on him, and payment unto him of twenty shillings costs, shall answer the same Bill, as if such Outlary had not been: But if the Plaintiff conceive such Plea of Outlary through mispleading, or otherwise, to be insufficient, he may, upon notice given to the Clerk, on the other side, set it down with the Register

gister to be debated with the rest of the *Pleas* and *Demurrers* in Course; but if the Plaintiff shall not in such case enter it with the Register, within eight dayes after the same shall be filed, the Defendant may take out Proces against the Plaintiff for his ordinary Costs of five Marks, as if the same had been heard.

6. The Dependency of a former Suit for the same matter, is also a good Plea, and therefore the Defendant shall not be put to set it down with the Register. But if the Plaintiff be not satisfied therewith, the same shall be referred to one of the Masters of the Court to certifye the truth thereof: and if it shall be determined against the Plaintiff, he shall pay to the Defendant

Plea of a  
former suit  
depending.

Defendent five pounds Costs. But such Reference shall be procured by the Plaintiff, and a Report thereupon within one Moneth after the filing of such Plea, otherwise the Bill to stand dismissed of course, with the ordinary Costs of seven Nobles.

If after a Suit Commenced at the Common-Law, or any other inferiour Court, a Bill shall be exhibited in this Court to be relieved for the same matter, the dependancy of the former Suit shall be admitted as a good Plea, and the Defendent not to be put to motions for an Election, or Dismission : and that Plea shall be proceeded in, as in case of a Plea of a former Suit depending in this Court for the same matter.

7.

Plea of a  
Suit de-  
pending  
in another  
Court.

If

8. *Demurrer* only upon some Error, slip, or  
 upon a slip mistake in the Bill, the Plaintiff  
 or mistake, without Motion shall be per-  
 mitted of course to amend the  
 same, paying to the Defendant,  
 or his Attorney to his use,  
 twenty shillings costs. But if  
 the Plaintiff shall not within  
 eight days after such *Demurrer*  
 put in, amend, or alter it, and  
 pay the costs, then the *Demurrer*  
 shall stand to be determined in  
*Court*, and if the same be ruled  
 against the Plaintiff, he shall  
 pay the ordinary costs for over-  
 ruling a *Demurrer*.

9. *Demurrer* being ad-  
 mitted, the  
 Bill to be  
 dismissed  
 of Course. If the Plaintiff, or his Attor-  
 ney in Court, shal, within eight  
 days after a *Demurrer* filed, give  
 notice to the Defendant, or his  
 Attorney in Court, under either  
 of their hands, that the Plaintiff  
 doth

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doth admit the *Demurrer* to be good, and shall pay the Defendants Attorney, or his Clerk in Court, forty shillings costs; then the Defendant shall not need to attend his *Demurrer*: but the Bill shall stand dismissed of course without Motion, unless the Parties, or their Attorneys on both sides shall agree to an amendment of the same, but such dismissal is to be no Bar to a new Bill to be exhibited by the Plaintiff.

### *Answers.*

**A**N answer to a matter charged as the Defendants own Fact, must regularly be without saying to his Remembrance, or as he Believeth, if it be laid to be done within seven years before,

10.  
Answer to  
matter of  
Fact.

before, unless the Court, upon exception taken, shall find special cause to dispence with so positive an Answer. And the Defendent deny the Fact he must traverse, or deny it ( if the cause requires) directly, and not by way of Negative pregnant. As, if he be charged with the receipt of a summe of Money, he must deny, or traverse that he hath not received the summe, or any part thereof, or else set forth what part he hath received. And if a Fact be laid to be done with divers circumstances, the Defendent must not deny or traverse it literally, as it is laid in the Bill, but must Answer the point of substance positively, and certainly.

When

When the Defendent hath answered, the Plaintiff is to be well advised upon the answer; and if he shall find that upon the answer alone without further proof, there be sufficient ground for a final Order or Decree, the Plaintiff may procure his Attorney to present the same in course to be set down, to be heard upon Bill and Answer, without further lengthning of the cause; but in case the Court shall not find grounds to make a Decree or final Order thereupon, the Bill shall be dismissed with costs, or the Plaintiff admitted to reply if he desire it, first paying down 5.li. costs to the Defendent or his Clerk, which if he shall not do in four dayes after such hearing, then the dismissal to stand, and the conclusion of

ii.  
Hearing  
on Bil and  
Answer  
with cau-  
tion.

B the

the Order upon hearing, is to be penned by the Register accordingly, that the said Bill stand dismissed without any further order or direction, and then such dismissal shall be a good plea in Barr of any new Bill for the same matter.

12. At hearing on Bil and Answer, what evidence. If a hearing be prayed upon a Bill and Answer, the answer must be admitted to be true in all points, and no other evidence to be admitted, unless it be matter of record, to which the answer refers, and is proveable by the record. The Plaintiff is therefore to be well advised therein, that the Court be not put to an unnecessary trouble, and himself to a certain charge, in bringing his cause to hearing, which will not bear a Decree.

When



When as the Defendent hath put in an Answer, if the Plaintiff hath proofs for the matters denied, he is not to insist upon the insufficiency of the answer, if the same be good to a common intent, but proceed to replication and proof, to avoid charge and expence of time in cavilling with answers.

13.  
Plaintiff to reply, if the Answer good to a common intent.

If exceptions be put into an Answer after the Term, the Defendent shall not be compelled to stay in Town, to attend the Plaintiffs exceptions, but shall have time to answer untill the fourth day of the next Term, unless the Court shall find special cause to hasten it, and shall so order in open Court.

14.  
Time to answer exceptions.

When a Plaintiff excepteth

15.  
Time for exceptions to be delivered, and costs for insufficient answers.

to a Defendants Answer, he shall set down his exceptions in writing, and the same Term the answer is filed, or within eight daies after that Term, deliver the same exceptions to the Councel, whose hand is to the Answer, or to the Defendants Attorney in Court, and if the Defendent shall within the times before limited respectively satisfie the plaintiff of the invalidity of those exceptions, or put in a perfect or better Answer, and pay xx. s. costs, then the Plaintiff may reply thereunto. But if the Defendent shall fail to do the same, or put in a second insufficient answer, then the Plaintiff may get the said answer, or answers referred; and if the same shall be ruled insufficient, the Defendent shall pay forty shillings cost; and

and in case the Plaintiff shall procure a reference of the answer, and the same be ruled good, the Plaintiff shall pay the Defendant forty shillings costs.

If the first Answer be certified insufficient, as aforesaid, the Defendant shall pay forty shillings costs, if the Answer were put in in person; but if the same came in by Commission, the Defendant shall pay fifty shillings costs, and no new Commission shall be awarded for taking any second Answer, unless it be by Order made in Court, and *Affidavit* made of the parties inability to travel, or other good matter to satisfy the Court touching that delay, and first paying the costs of such insufficient Answer, or by the Plaintiffs own assent for

16.  
Further  
insuffici-  
ent An-  
swers, and  
the costs  
for them.

the expediting of his Cause. If the second answer be reported insufficient unto any of the points formerly certified, ( which are only to be insisted upon without any new exceptions ) the Defendant shall pay three pounds costs; and upon the third answer four pounds costs; and upon a fourth answer certified insufficient, he shall pay five pounds costs, and be examined upon interrogatories to the points reported insufficient, and shall be committed till he hath perfectly answered those interrogatories, and payed the costs, in respect of the great vexation and delay which in such case will happen to the Plaintiff.

17.

Proofs to  
be only of  
matters  
necessary.

If upon perusal of the answer, the Plaintiff shall find it  
will

will be necessary to make proof of one, or few particulars, then the Plaintiff is to reply to those particulars only, and not draw into pleadings and proofs any more, than the points necessary to be proved : And in case upon the hearing it shall appear that the Plaintiff might have had as full relief on Bill and Answer, the Plaintiff shall not only go without costs, but shall pay the Defendant good costs, to be assessed by the Court, albeit he be relieved upon the merit of his cause in respect of the Defendants needless vexation.

If a Bill be regularly and <sup>18.</sup> Bill dis-  
justly dismissed of course, or by <sup>missed for</sup>  
order for want of prosecution, <sup>want of</sup>  
no motion shall be admitted for <sup>prosecuti-</sup>  
the retainer thereof without a <sup>on, not to</sup>  
<sup>be retain-</sup>  
<sup>ed till the</sup>  
<sup>costs paid.</sup>

Certificate from the Defendants Attorney in Court, that the costs of the dismissal are paid, to the end unnecessary charge to the parties by several motions for one and the same matter, may henceforth be avoided.

### *Examination of Witnesses.*

19.  
Interrogatories to be pertinent.

**I**N case the parties proceed to examine Witnesses, the Interrogatories are to be penned with care, that the same be pertinent, and only to the points necessary to be examined unto: and the Witnesses are to be sorted & examined on those interrogatories only that their testimony doth extend unto, without the needless interrogatories of

of matters unnecessary and immaterial, as well to avoid the charge of both parties, Plaintiff and Defendant, in superfluous examinations, as that apt Interrogatories (which are the life of the cause) may be exhibited.

The Examiners (in whom the Court reposeth much confidence) are themselves in person to be diligent in examination of Witnesses, and not intrust the same to mean and inferior Clerks; and are to take care to hold the Witness to the point interrogated, and not to run in to extravagances and matters not pertinent to the question, thereby wasting paper for their own profit, of which the Court will expect a strict accompt.

20.

Examiners duty.

21.

To have care of their Clerks, and be answerable for them.

The Examiners are to take care

care that they imploy under them in their Office, none but persons of known integrity and ability, who shall take an oath not to deliver or make known directly, or indirectly to the adverse party, or any other save the Deponent, who comes to be examined, any of the Interrogatories delivered to be examined upon any examination by him taken or remaining in the Examiners Office, or extract, copy, or breviate thereof, before publication be thereof passed, and copies thereof taken. And if any such Deputy, Clerk, or person so imployed, shall be found faulty in the premises, he shall be expulsed the Office, and the Examiner who so imployed him, shal be also answerable to the Court for such misdemeanour, and to the party grieved for



for his costs and damages sustained thereby : and such solicitor, or other person, who shall be discovered to have had a hand therein, shall be liable to such censure for the offence, as the Court shall find just to inflict upon him.

No Witness shall be examined in Court, by the Examiner, without the privity of the adverse party, or of his Attorney, or his Attorneys Clerk, who deals for the adverse party, to whom the person to be examined shall be shewed, and a note of his name and place of dwelling delivered in writing, by such as shall produce him ; and the Examiner is to take care, and be well satisfied that such notice be given, and then shall add to the title of the

22.  
Notice of  
a Witness  
to be examined.

the Witnesses examination, the time of such notice given, and the name of the person to whom it is given, and by whom, that at the hearing of the cause, the Suitor be not delayed, upon pretence of want of notice.

23.  
Witnesses  
to be exam-  
ined to  
Interroga-  
tories *seri-*  
*atim.*

For prevention of perjury and other mischiefs often appearing to the Court, the Examiner is to examine the deponent to the Interrogatories directed *seriatim*, and not to permit him to read over, or hear read any other of Interrogatories, until that in hand be fully finished, much less is he to suffer the Deponent to have the Interrogatories, and pen his own Depositions, or to depart after he hath heard an Interrogatory read over, untill he hath perfected his examination there.

unto :

he into : and if any Witness shall  
 refuse so to conform himself,  
 the Examiner is thereof to give  
 notice to the Attorney, or  
 Clerk of the other side, and to  
 proceed no further in his exa-  
 mination, without the consent  
 of the said Attorney or Clerk,  
 or Order made in Court to  
 warrant his so doing.

In examining of Witnesses, 24.  
 the Examiner shall not use any Examiner  
 idle repetitions, or needless cir- to avoid  
 cumstances, nor set down any imperti-  
 nences.  
 answer to the questions, to  
 which the Examinant cannot  
 depose, other then thus, To  
 such an Interrogatory this Ex-  
 aminant cannot depose. And in  
 case such impertinences be ob-  
 served by the Court, the Exa-  
 miner is to recompence the  
 charge therof to the party grie-  
 ved,

ved, as the Court shall award

25.  
Examina-  
tion to the  
credit of a  
Witness,  
and how.

The Examiner shall not examine any Witness, to invalidate the credit of any other Witness, but by special Order of the Court, which is sparingly to be granted; and upon exceptions first put into writing, and filed with the Examiner without Fee, and notice thereof given to the adverse party or his Attorney, together with a true copy of the said exceptions, at the charge of the party so examining.

26.  
Fee for examining a  
Witness  
to be deducted.

From henceforth the Fee taken by the Examiner, upon the producing of a Witness to be examined by him, shall be deducted to the party Plaintiff or Defendant, who paid the same when the Copies of such Witness

nesses Depositions are taken out by him, and such Exhibits whereupon any Witness is examined, shall be alwaies endorsed and certified by the Examiner, at the same time that the Witness is thereupon examined, and his examination perfected and subscribed.

When Witnesses are examined in Court upon a Schedule of Interrogatories, there shall be no new Interrogatories put in to examine the same Witnesses, nor shall any Witnesses be examined in Court after the day of Publication, though they were sworn before; so as a Copy of the Rule or Order whereby Publication passed, be delivered to the Examiner, that he may take notice thereof.

27.

No new Interrogatories for the same Witness, nor examination after Publication.

If

28.  
Commis-  
sion *ex*  
*parte*,  
when.

If the Defendent being served with a *Subpæna* to rejoyne and joyn in Commission, shall not upon request by the Plaintiffs Clerk, made to the Defendents Clerk, deliver Commissioners names, by the end of that Term, wherein the *Subpæna adrejungend.* is returnable; The Plaintiff may without motion or Petition take the Commission *ex parte*.

29.  
Carriage  
of Com-  
missions  
to exa-  
mine.

The Plaintiff ought regularly to have the carriage of the Commission for examination of Witnesses, as often as any is sued forth : but if through the default of him or his Commissioners, the same be not executed he shall pay unto the Defendent such reasonable costs, as the Defendent shall by oath make appear he was put unto  
by

by such failer, and shall renew the Commission at his own charge, but the other side shall have the carriage of such new Commission. And the like shall be done to the Plaintiff, where the Defendant for just reason hath obtained the carriage of the Commission; and if through any error of the Clerk in making out the said Commission, or misnaming the Commissioners, or parties, or the like, the execution of a Commission shall be put off, the party put to charge in attendance of such Commission, shall receive his costs to be ascertained by his oath as aforesaid, from him that obtained such Commission, and the Clerk that made out the same, or his Superiour the Attorney in Court, (who is answerable for him) shall make  
C resti-

restitution thereof to the Client and Suitor.

30.  
New  
Commis-  
sion, and  
how.

If both sides joyn in execution of a Commission, and the one side produceth and examineth all his Witnesses, and the other side doth not, but prayeth a new Commission, the same shall not be granted (unless it be by consent of the parties, or their Attorneys in Court,) but upon oath of good cause, why he could not then examine all his Witnesses. And in case the same be granted, the party praying the same shall bear the reasonable charge of the other side, both of renewing & executing the Commission, to be ascertained by Oath, and the other side shall be at liberty, to cross examine the Witnesses produced by him that reneweth the Com-



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Commission. But if he shall not only cross examine the Witnesses of the adverse party, but examine new Witnesses, he shall bear his part of the charge.

If at the instance of a Defen- 31.  
dent, a Commission to examine New  
Witnesses be renewed, either Commis-  
sion  
for a default by him or his through  
Commissioners, or because he Defen-  
dents de-  
did not examine all his Wit- fault.  
nesses by the first Commission,  
he shall at his peril examine all  
his Witnesses by such renewed  
Commission, or in Court by  
the return of such Commission  
without more or further delay,  
and no more Commissions to  
issue, except for examination  
beyond the seas, by Order in  
Court, or by consent of the  
Attorney.

C 2

Upon

32.  
One rule  
on a joyn  
Commis.  
sion.

Upon the return of a Commission, if the same be executed by both parties, one rule only shall be given for Publication; and if the said Commission be not renewed, or another obtained by the Plaintiff, or Defendant within that time, then Publication shall pass, and no Commission shall be afterwards granted or renewed, without special Order in Court.

33.  
No Fees  
for the co-  
pies of the  
parties  
own In-  
terrogato-  
ries, save  
for writ-  
ing.

Upon the taking out of copies of Depositions examined in Court, or by Commission either by the Plaintiff or Defendant, no Fee shall be taken by the Six Clerks or the Examiner for the copies, either of the Plaintiffs or Defendants respective Interrogatories, save only the Clerks usual Fee for the writing thereof.

Depo-

Depositions of Witnesses in several causes, which are merely cross causes, (*viz.*) between the same parties, and touching the same matter, may be used at the hearing of both causes (coming to hearing together) without any motion or order in that behalf.

34.  
Depositions in cross Causes.

Where either party Plaintiff or Defendant obtaineth an order to use Depositions of Witnesses taken in another cause, the adverse party may likewise use the same without motion, unless he be upon special reason shewed to the Court, by that party first desiring the same, inhibited by the same order so to do.

35.  
Depositions in another Cause.

No motion shall be made in Court or by Petition, for suppressing and how.

36.  
Depositions to be suppressed, and how.

pressing of Depositions as irregularly taken, until the six Clerks not toward the cause have been first attended with the complaint of the party grieved, and shall certify the true state of the Fact to the Court with their opinion : if the Attornies or Clerks on either side shall not for the ease of their Clients agree before them, for which purpose a rule for attendance of the six Clerks in such case shall be entered of course with the Register, at the desire of the party complaining, which shall warrant their proceedings and certificate to the Court.

*Proces.*

*Proces.*

**E**Very *Subpæna* to answer <sup>37.</sup> *Service of*  
 shall be served personally, a *Subpæna*  
 or left at the Defendents dwelling house, or place of residence *ad respondend.*  
 with one of that family, and no  
 Clerk of this Court shall issue  
 any attachment for not appearing,  
 but on *Affidavit* first made,  
 positive and certain, of the day and  
 place of such service of the *Subpæna*,  
 and the time of the return thereof,  
 whereby it shall appear that such  
 service was made (if in London,  
 or within twenty miles, four days  
 at the least, excluding the day of  
 such service; and if above twenty  
 miles, then to have been) eight  
 days before such Attachment

entred ; and that such Attachment shall not be discharged , but on payment of twenty shillings costs if the service be personal, and ten shillings if otherwise, and so the succeeding Proces to be double.

38.

*Subpæna*  
for better  
Answer  
and costs  
in one.

Every *Subpæna* to make a better answer, shall also contain a clause for payment of the costs ordinary in that behalf, and the Suitor not be put to take out several Writs, nor prosecute several contempts, as in that case hath been used; and if upon the service of such *Subpæna*, the costs be not paid, the answer of such Defendant shall not be received or filed, unless the said costs be also delivered and paid to the Plaintiffs Clerk, together with the said answer, but Proces of contempt

tempt shall issue in that case, as for want of an answer, at the return of the said *Subpæna*.

A *Subpæna ducens tecum* (when 39.  
the Defendent confesseth in *Subpæna*  
his Answer, the having of any *duc. tec.*  
writings material to be exa- to be sued  
mined upon, or confest to be out of  
long to the Plaintiff, may be course.  
taken out by the Plaintiff of  
course without motion, for the  
Defendent to bring them into  
Court, or shew cause, &c. But  
if the Defendent either confess  
not the having them in his  
hands, or makes his title by  
them, or to them by his An-  
swer, he shall be excused from  
any contempt, although he nei-  
ther bring them into Court,  
nor shew cause; and if the Plain-  
tiff shall notwithstanding pro-  
secute a contempt in that be-  
half

half (and the case upon the Defendant his answer appear to be such) he shall be thereof discharged, and have his costs.

40. The *Subpœna ad audiendum*  
 Service of *Judicium* shall be served either  
 a *Subpœna* on the person of the Defendant,  
*ad audi-* or left at his dwelling house,  
*end. Judi-* where his Family then resides :  
*cium.* or in case oath be made that he  
 cannot be found to be served  
 personally, and that he hath  
 no certain dwelling, or is be-  
 yond the Seas, the Court will  
 Order the leaving of a *Subpœna*  
 with his Attorney in this Court  
 to be a sufficient service.

41. All Proces of contempt shall  
 Proces of be made out into the County,  
 contempt where the party prosecuted is  
 into the resident, unless he shall be then  
 proper in or about London ; in which  
 County. case



case it may be made into the County where the party then is. And if any person shall be taken upon Proces otherwise or irregularly issued, the party so taken first appearing unto, and satisfying the Proces which did regularly issue against him, shall be discharged of his contempt, and have his full costs to be taxed of Course by the fix Clerks, not towards the Cause for such undue or irregular prosecution, from the time that the error first grew without motion or other order.

Every suitor who prosecuteth  
 a contempt shall do his best en-  
 deavour to procure each several  
 Proces to be duly served and  
 executed upon the party prose-  
 cuted, and his wilfull default  
 therein appearing to the Court,  
 such

42.

Endea-  
 vor to be  
 used in  
 serving it.

such person offending shall pay unto the party grieved good costs, and lose the benefit of the Proces returned without such endeavour.

43.  
To be discharged on payment of the costs, or upon tender and refusal.

That all Attachments in Proses shall be discharged upon the Defendants payment, or tender to the Plaintiffs Clerk and refusal of the ordinary costs of the Court, and filing his Plea, Answer or Demurrer ( as the case regularly requires) without any motion in Court in that behalf. And if after such conformity and payment of the costs, ( or tender and refusal thereof ) any further prosecution shall be had of the said contempt, the party prosecuted shall be discharged with his costs.

*Commissions to answer.*

**A**fter a contempt duly pro- 44.  
 secured to an Attachment, *After Att.*  
 with Proclamation returned, *cum*  
 no Commission shall be made *Procl. no*  
 to Answer, nor Plea or Demur- *Commis-*  
 rer admitted, but upon motion *sion, nor*  
 in Court, and *Affidavit* made of *Plea, or*  
 the parties inability to travel, *Demur-*  
 or other good matter to satisfie *rer.*  
 the Court, touching that de-  
 lay.

The Defendent who is ser- 45.  
 ved with a *Subpœna ad respon-* *Commis-*  
*dend.* and obtaineth a Com- *sion to*  
 mission to answer in the Coun- *Answer*  
 trey, shall without more words *gives li-*  
 have the same liberty thereby *berry to*  
 to Answer, Plead, and Demur, *plead and*  
 as he had by the original Pro- *demurr*  
*also.*  
 ces,

ces, if he could have appeared in person.

46.  
In what  
case a  
second  
Commis-  
sion to  
answer.

After a Commission once obtained to answer, no second Commission shall be granted without speciall Order of Court; or the Plaintiffs own assent under his hand. And if the time for the Defendants answering be enlarged upon *Affidavit*, that he or they cannot answer without sight of Writings in the Country, or in respect of the length of the Bill, or the like, which shall not be without special Order in Court, no Commission shall be afterwards granted without like speciall Order of Court, upon good reason shewed to induce the same, or the like assent of the Plaintiff.

(31)

In case where the Defendent  
fits all Proces of contempt, and  
cannot be found by the Serje-  
ant at Arms, or makes a rescue,  
a Sequestration shal be granted  
of the land in question. And if  
the Defendent render not him-  
self within a year, then an In-  
junction for the possession, and  
the profits so sequestred to be  
delivered over to the Plaintiff.

47.  
Sequestra-  
tion upon  
*non invent.*  
or rescue

*Injuncti-*

*Injunctions.*

48.  
Commis-  
sion to  
answer to  
contain an  
Injuncti-  
on.

FOR that it is agreeable to equity and the constant practise of this Court, that a Defendant obtaining a Commission to take his Answer in the Country, should not by that delay or favour of the Court, get an advantage against the Plaintiff, by proceeding at Law in the mean time, it is Ordered, that from henceforth every Commission to take an Answer in the Country shall contain in it a clause of Injunction to stay the Defendants suit at Law (if any be) touching the matter complained of in the Bill, untill he hath answered the Bill, and the Court given other Order, so as issue were not joyned at Law

Law, before the return of the *Subpœna* served upon the Defendant, and in that case to stay judgement for the like time, so that the taking of such Commission under seal, shall be a sufficient notice and service of the said Injunction, without motion or other trouble to the Plaintiff, whereupon for breach to ground an Attachment, upon *Affidavit* of a proceeding at Law after the Commission prayed.

No Injunction to stay Suits  
 at Law shall be granted upon  
 priority of Suit onely, nor up-  
 on the bare surmise of the Bill;  
 but upon the Defendants de-  
 lay or wilful contempt in not  
 Answering, or upon matter  
 confessed in the Answer, or  
 matter of Record, or writing  
 D plainly

49.

Grounds  
 for Injun-  
 ctions to  
 stay suits.

plainly appearing, or the duty demanded appearing to be very ancient.

50. Where a Bill comes in after  
 Injunction on on Bills  
 on on Bills after Verdict.  
 a Verdict a Law for a debt, an Injunction is not to be granted, without depositing the principal money, except there shall, upon hearing both sides, appear to the Court in the Defendants answer, or by deed under hand and seal, or other good matter for relief in equity. And an Injunction granted in such case, or otherwise upon the merit of the cause or equity appearing to the Court, is regularly to stand, until the hearing of the cause, unless the Plaintiff delay the cause, in which case he may best be quickned, by dissolving the Injunction.

For



(51)

For avoiding multiplicity of references heretofore used, and charge to the suitor, It is Ordered, that where a motion is made for an Injunction to stay a suit at Law upon allegation of matter of equity confest in the answer, the Councel moving the same, shall have that suggestion fairly written in his hand, and read or truly open the same to the Court; and if the Court hold that matter of sufficient weight, will thereupon grant an Injunction as is desired, without reference, report, or further motion, and then the Register is in Court to receive the said suggestion so fairly written, and insert the same *verbatim* in the Order for granting the Injunction. But if the said suggestion be untrue in the substance thereof, upon constructi-

51.  
Injunctions on the matter without reference.

on of the whole Answer, and the Defendant be prosecuted by the Plaintiff for breach of the Injunction granted thereupon, he shall be clear from any contempt in that behalf, and have his costs, and such Council shall justly incurr the displeasure of the Court.

52.  
Injunction  
on on mis-  
information.  
on.

Where an Injunction to stay suits is obtained upon a misinformation made to the Court, (as of matter confessed in the Defendants Answer, which in truth is not so confessed, or if confessed in one place, is avoided in another part of the Answer, or upon other such like plain abuse to the Court, in that case the party prosecuted with contempt for breach of such Injunction shall upon his examination (the matter appearing

ring as aforesaid) be discharged of any contempt, although he hath proceeded at Law after such Injunction granted, and also have his costs taxed for his wrongful vexation, by the same Master to whom the contempt shall be referred, without other motion in Court, which also shall be done in like cases, where a contempt stands referred to a Master of the Court, he shall tax costs, and certifie the same in his report to the Court, together with his opinion touching the contempt, as well for the prosecutor, in case the contempt be confessed or proved, as for the party examined, if he be cleared thereof.

For avoiding the many motions heretofore frequently made touching dissolving and

53.  
Injunctions to be dissolved without motion, and in what cases.

continuing Injunctions, it is Ordered, That when an Injunction is granted till Answer and further Order, if no Order be made within fourteen days, (after the Answer duly filed in Court) for continuance of the Injunction, the same shall stand dissolved without further motion upon Certificate only of the Register.

54.  
Injunctions to quiet  
on to quiet  
et possession.  
on.

Injunctions to quiet possession (usually granted for preservation of the public peace, and prevention of force) shall not be granted before hearing, but upon oath that the Plaintiff was in actual possession at the time of the Bill exhibited, (and not of Rents or other things which lie not in manual occupation) and for such possession as the Plaintiff himself had at the time  
of

of the Bill exhibited, and three years before, but not to be extended further to the possession of such from whom he claims, or of him and his Tenants, much less him and his Assigns, or the like. Which Injunction shall not be extended to give the Plaintiff any other possession then he had at the time when the motion was made. And such Injunction in case the Plaintiff delay to bring his cause to hearing is also to be dissolved.

No Injunction to quiet such possession shall extend to hinder the Defendants proceedings at Law to evict the Plaintiff, or from making any lease, or peaceable entry, or single distress for that end.

55.  
Not to hinder suits, lease, entry, or distress.

No possession shall be taken from

56.  
Not extend to take away a possession.

from any person by colour of any such Injunction before the cause be heard. And if any be, the Court will restore possession, and award costs.

57.  
Injunctions for  
Timber,  
Plough-  
ing &c.

Injunctions against felling of timber, ploughing up of Meadow or ancient pastures not ploughed in twenty years before, or for maintenance of Inclosures that have continued for the better part of twenty years shall be granted as usually they have been, but no Defendant who by Answer claims an estate of Inheritance, or other estate dispunishable of waste, shall be thereby restrained, unless it be particularly so Ordered and mentioned in the said Injunction. And upon motion made for such Injunction, the case is to be truly opened

as

as it stands in Court, and the Defendants Claim by his Answer, if he have answered.

When the day is appointed for setting down causes for the following Term, the six Clerks shall present the Causes according to their priority in Publication, to be set down in their Order, so as the old Causes may be first heard and dispatched. And for that purpose with the names of each Cause they shall present the time when Publication passed, with a short note of the nature of every such cause presented. And accordingly the Court will give order for setting them down, so that puyne Causes shall not thrust out those that were ready for hearing before them. Provided that no Cause be presented the same

58.

Causes to be set down according to Priority of Publication.

same Term in which Publication shall pass.

59.  
Default at  
hearing.

Where no Council appears for the Defendant at the hearing, and Proces appears to have been duly served, the Answer of such Defendant shall be read, and if the Court upon such hearing shall find cause to Decree for the Plaintiff, yet a day shall regularly be given to the Defendant to shew cause against the same; but before he be admitted thereunto, he shall pay down to the Plaintiff or his Attorney in Court such costs as the Court upon that hearing shall assess, and the Order is to be penned by the Register accordingly, (*viz.*) it is decreed so and so, &c. unless the Defendant shall by such a day pay to the Plaintiff or his At-



Attorney in Court costs, and shew good cause to the contrary, & such Defendent upon his shewing cause shal first produce a Certificate from the Plaintiffs Attorney in Court, that he hath paid the costs or *Affidavit* of tender and refusal thereof.

The reasons of the judgement of the Court are, in such case where the Defendent makes default to be by the Register shortly inserted in the Order, that the Defendent may know how to apply his cause without a new hearing, but if the Court shall not receive satisfaction thereupon to alter or confirm the decretal Order, but that a new hearing shall be requisite, the Defendent (if the Court shall confirm their first Order upon the second hearing) shall also

60.

Reasons to be expressed in the Order.

also pay the Plaintiff his full costs expended in the suit.

61.  
Costs to  
be given  
on hea-  
ring.

If the Court upon the hearing of a Cause shall give no relief to the Plaintiff, the Defendant shall have costs awarded him in respect of his causless vexation. And where a Decree is made against a Defendant, the Court will likewise give costs to the Plaintiff as there shall be cause.

62.  
Contem-  
ner to pay  
the costs  
double.

Where costs are awarded by the Court, and the party shall refuse to pay them, and be afterwards prosecuted and found in contempt for not paying of them, he shall not be discharged of such his contempt, until he shall pay the said costs double, over and besides the costs taxed,

taxed, for the prosecution of the said contempt.

Where Causes are removed 63.  
by special *Certiorari* upon a *Certiorari Bill*  
Bill containing matter of equity; the Plaintiff is before he have the *Certiorari* granted, to put in bond to be taken by the Register, to prove his suggestions within fourteen days after the receipt of his Writ, which if he shall fail to do, upon certificate from the Examiners, that no Witnesses are examined, or upon a report that the suggestions are not proved, the Court will dismiss the Bill with costs, and award a *Procendo*.

*Decrees.*

## Decrees.

64.  
Who is  
bound, and  
who not.

NO Decree bindeth any man that cometh in *bona fide* by conveyance before the Bill exhibited, and is made no Party either by Bill or Order. But where he claims in trust for such person against whom the Decree is made or comes in pendente lite without allowance or privity of the Court, it is otherwise.

65.  
To be  
drawn  
briefly.

No Decree shall recite the Bill, Answer, pleadings or Depositions, or any of them *verbatim*, but only the short state of the matter, and the decretal Order, and the opinion and judgement of the Court.

(63)

No Decree being once under the Great Seal shall be reversed or altered at the suit of the person against whom the Decree is made, or any man claiming in privity, by, from, or under him, but by Bill of review only. <sup>66.</sup> Not to be altered but by Bill of review.

But in case of mistaking in a Decree which is demonstrative, <sup>67.</sup> Save in *viz.* an error in auditing or numbring, mistaking the date, or the like, by the leave of the Court the same may be certified without a Bill. <sup>mistakes demonstrative.</sup>

That all Decrees and dismissions pronounced upon hearing the cause in this Court be drawn up, signed and enrolled before the first day after the next *Michaelmas* or *Easter* Term after the same shall be so pronounced respectively, and not at <sup>68.</sup> When to be enrolled.

at any time after, without special leave of the Court.

69.

An entry  
to be made  
of the  
Lands,  
&c.

That a short entry and *Decquet* be made in a Register Book kept by the Register of this Court, or such Clerk as he shall appoint for that purpose, of all Decrees that are drawn up and enrolled, whereby any Lands or Lease is decreed or charged with any sum of money, annuity, &c. and of the Lands in particular, and the Parish, or Town and County where the same lie; to the end that any person that hath occasion may resort to that Register Book, to see whether any Decree be made touching such Lands, Houses, &c. and in case no such entry be made within six Months after such Decree shall be signed by the Lords Commissioners for the

the great Seal, and enrolled, the same shall not prejudice any Purchaser, who shall *bona fide* purchase any Estate in such lands, houses, &c. after the time limited for such entry to be made.

That the six Clerks, and all other Clerks of this Court do therefore take care for their Client, that such entry be made of all Decrees by them drawn up and enrolled by the time before limited, that the Client do not suffer through their neglect: And that the Register shal take only the Fee of twelve pence for such entry, twelve pence for a Certificate, and four pence for a search, where no Certificate is made.

70.  
Clerks to  
take care  
it be done.

71.  
Prosecuti-  
on of a  
Decree for  
lands.

In case of a Decree for Lands

E

upon

upon Oath made, that the same hath been personally served, and is not obeyed, and an Attachment is issued under Seal for such contempt, the Court doth usually grant an Injunction for the possession, and upon oath made of the serving thereof upon the party, and that the same is not obeyed, a Commission is to be awarded to some of the Justices of the Peace of that County, to put and keep the Plaintiff and his Assigns in possession, and in case of resistance, a Writ of assistance is to be awarded to the Sheriff for that purpose.

72.  
Contem-  
ners when  
to be dis-  
charged.

Where the party is committed, or brought in by a Serjeant at Arms for breach of a Decree, he is not to be enlarged until he hath performed the Decree in all



all things that are to be presently done, and given security by Recognizance with Sureties, as the Court shall order to perform the other parts of the Decree (if any be to be performed) at future days and times appointed by the decree.

Where the party is committed for breach of a Decree, or Order of Court, he ought to be restrained within the Fleet, and not permitted to go abroad without special license of the Court. 73. When restrained.

Where a Decree is made for Rent to be paid out of the land, or a sum of money to be levied out of the profits of lands, there a Sequestration of the same lands being in the Defendants hands, or of any Rent reserved 74. Decree for money out of land.

E 2                      served

served to the Defendent out of the same Lands may be granted.

75.  
Dismissi-  
on on hea-  
rings.

Where causes are dismissed upon full hearing, and the dismissal signed and enrolled, such causes are not again to be retained, nor any new Bill admitted, except it be a Bill of Review, or upon matter of like nature, as in case where a Decree is sought to be avoided, and upon like security and allowance of the Court.

*Bills*

*Bills of Review.*

**T**O the end, that after a Decree made the party may <sup>76.</sup> be at peace, and multiplicity of <sup>Grounds</sup> Suits be avoided, no Bill of <sup>of Bills of</sup> Review shall be admitted, except it contain either error in Law appearing in the body of the Decree, without either averment, or further examination of matters in fact, or upon <sup>2</sup> new matter discovered in time after the Decree made, and whereof the party could not have had advantage before; and upon such Bill of Review, no Witnesses shall be examined to any matters which were, or might have been examined unto upon the former Bill; but upon Oath made of such new

matter discovered, as aforesaid, a Bill of Review may be exhibited by leave of the Court, and not otherwise.

77.  
Not ad-  
mitted, till  
obedience,  
except in  
particular  
cases.

No Bill of Review shall be admitted, nor any other Bill to change matters decreed, except the Decree be first obeyed and performed: But if any Act be decreed to be done, which extinguisheth the parties right at Common Law, as making of assurance, or release, acknowledging satisfaction, cancelling Bonds or Evidences, and the like; or where the error is apparent in the body of the Decree, as aforesaid, the Court upon motion may dispense with the actual performance of that part of the Decree, till the Bill of Review be determined.

No Bill of Review shall be allowed, except the party that prefers it (giving notice to the Defendent therein) do first enter into a Recognizance with Sureties, before some Master of the Court in ordinary, of a fit penalty in relation to the matter decreed, for the satisfaction of the costs and damages, if the Bill of Review be dismissed.

78.

And upon  
Security.

E 4 Con

## Contempts.

79.  
Appear-  
ance on  
Con-  
tempts.

**W**Here a Contempt is prosecuted against any man, he shall not be put to move the Court, as formerly hath been used, either for Interrogatories to be exhibited, or for reference of his Examinations, and discharge being examined. But where any person shall be brought in by Proces, or shall appear *gratis* to be examined upon a contempt, he shall give notice of such his appearance to the Attorney or Clerk of the other side: And if within eight days after such appearance and notice given, Interrogatories shall not be exhibited whereon to examine him, or if being examined, no reference

rence shall be procured of his examination, nor Commission taken out of the other side, nor Witnesses examined in Court to prove the contempt within one Month after such examination, then the party so examined shall be discharged of his contempt without further motion, and may attend any one of the Masters of the Court for the taxing of his costs, which the Master is to tax without further Order, and that taxation being entered in the Register, the party may proceed for the same of course, as in like cases of costs taxed.

If after appearance and Interrogatories exhibited as aforesaid, the party appearing shall depart before he be examined (without leave of the Court)

80.  
Departure  
without  
being ex-  
amined.



Court ) he is upon motion and Certificate from the Register, and of such his departing and not being examined, and of the Interrogatories exhibited from the Examiner, to stand committed without further day given unto him, and is not to be discharged from such his contempt, untill he hath been examined, and been cleared of his contempt. And if he shall upon his Examinations, or by proofs be found in contempt, he shall clear such his contempt, and pay the prosecutor his costs, before he be discharged of his imprisonment. And although he be cleared of his said contempt, yet he shall have no costs, in respect of his disobedience in not being examined without the prosecutors trouble and charges in moving the Court, as aforesaid.

In



In case of prosecution of a contempt for breach of an Order of the Court, or otherwise grounded upon an *Affidavit*, the Interrogatories shall not be extended to any other matter then what is comprehended in the said *Affidavit* or Order. And if any other shall be exhibited, the party examined may for that reason demurr unto them, or refuse to answer them.

81.

Interrogatories not to exceed the *Affidavit*.

Where the party prosecuted upon a contempt, hath denyed it, or the same doth not cleerly appear by his Examinations, the prosecutor may take out a Commission of course to prove the contempt, and in such case the party prosecuted may name one Commissioner to be present

82.

Commission to prove it of course.

sent at the execution of the Commission, and may henceforth (notwithstanding the former usage to the contrary) cross examine the Witnesses produced against him, to prove the contempt, but is not to examine any Witnesses on his part, unless he shall satisfy the Court touching some matter of Fact necessary to be proved for clearing the truth. In which case the Court, if there be cause, will give leave to him to examine Witnesses to such particular points set down, and the other side may cross examine such Witnesses. But the Interrogatories on both sides are to be included in the Commission.

83.

In what  
cases a  
Com shall  
be to exa-  
mine con-  
temners.

Where a contempt is prosecuted against one, who by reason of age, sickness, or other cause,

cause, is not able to travell; or in case the same be against many persons who are servants, or workmen, and live farr off: the Court will upon motion and *Affidavit* thereof, grant a Commission to examine them in the Countrey. Which Commission shall be sued out and executed at the charge of the person or persons desiring it, directed to such indifferent Commissioners as the prosecutor of the contempt shall name (as in other cases) and one Commissioner onely at the nomination of the party prosecuted as aforesaid. Which Commission shall be executed at such convenient time and place, as the six Clerks not towards the cause upon hearing the Clerks upon both sides, shall set down.

Upon

84.  
Master to  
tax costs  
of course.

Upon every examination of proof of a contempt referred to any of the Masters of the Court, to certify whether the contempt be confessed, or proved, or not: the Master, in his Certificate thereof made to the Court, shall likewise assess and certify the costs to either party, as there shall be cause, without other Order or Motion made for that purpose.

### *Commitment.*

85.  
On misde-  
meanour  
on service.

THE Court being tender of the liberty of mens persons, and to avoyd their imprisonment upon malicious *Affidavits*, which are often made by one mean and ignorant person, and which hath heretofore by the course of the Court drawn on

on a Commitment, doth Order,  
That from henceforth, where  
oath shall be made of misde-  
meanor, in beating or abusing  
the party upon serving of the  
Proces or Orders of the Court,  
the party offending shall stand  
committed upon motion, and no  
examination is in that case to be  
admitted.

And when *Affidavit* shall  
be made by two persons, of  
scandalous or contemptuous  
words against the Court, or the  
Proces thereof, the party offen-  
ding shall likewise stand com-  
mitted upon motion, without a-  
ny further examination : And a  
single *Affidavit* in such case  
shall be sufficient to ground an  
Attachment, whereupon such  
person shall be brought in to be  
examined. And if the misde-  
meanour shall be confess'd, or  
proved

86.

For scan-  
dalous and  
contemp-  
tuous  
words a-  
gainst the  
Court.

proved against him, he shall stand committed until he satisfie the Court touching his said misdemeanour, and pay the prosecutor his costs: and if he shall not be thereof found guilty, save by the oath of the party who made such *Affidavit*, he shall be discharged, but without any costs, in respect of the oath made against him, as aforesaid.

87.  
Orders to  
be entered  
in eight  
dayes.

That no Order whatsoever, except decretal or final Orders upon hearing, be received to be entered after the space of eight dayes, to be reckoned from the day of the Order pronounced *exclusive*: And if the party on whose behalf the motion is made do not prosecute the drawing up of the Order within four dayes, the Register is to do the same according to his notes at the instance of the adverse party.

*Masters*

*Masters.*

**T**HE Masters are not upon 88.  
 the importunity of Coun- Reports  
 cel (how eminent soever) or not to be  
 their Clyents, to return spe- special  
 cial Certificates to the Court, without  
 unless they are required by the Order.  
 Court so to do, or that their  
 own judgement in respect of  
 difficulty leadeth them unto it.  
 Such kinde of Certificates for  
 the most part occasioning a  
 needless trouble, rather then  
 ease to the Court, and certain  
 expence to the Suitor.

Their Certificates and Re- 89.  
 ports are to be drawn as suc- Nor Pro.  
 cinctly as may be (preserving lix.  
 the matter clearly for the judg-  
 ment of the Court) and with-  
 F out



out recital of the several points of the Orders of Reference (which do sufficiently appear by the Orders themselves) or the several debates of Council before them; unless that in cases where they are doubtful, they shortly represent to the Court, the reasons which induce them so to be.

90.  
To be up-  
on the  
whole an-  
swer.

The Masters of the Court are to take notice, That when the Court requires to be satisfied from them touching any matter alledged to be confessed, or set forth in the Defendants Answer; it is intended that without further Order they should take consideration of the whole Answer or Answers of the Defendent, and certify not only whether the matter be so confessed or set forth,  
but



but also any other matter, avoiding that confession, or balancing the same, that the Court may receive a clear and true information.

The Masters in taking Affidavits and administering of Oaths in cases duly presented unto them, are to be circumspect and wary that the same be reverently and knowingly given and taken, and are therefore to administer the same themselves to the party, and where they discern him rash, or ignorant, to give him some conscionable admonition of his Duty, and be sure he understand the matter contained in his *Affidavit*, and read the same over, or hear it read in his presence, and subscribe his name or mark thereunto before the same be certifi-

91.  
Oaths re-  
verently  
to be ad-  
ministr'd  
and taken.

ed by the Master, who is not to receive or certifie any Affidavit, unless the same be fairly and legibly written without blotting, or interlineation of any word of substance.

92.  
Reports  
positive.

In all matters referred to the Masters of the Court, their Certificate (not being to ground a Decree) if it be positive, is to stand, and Proces may be taken out to enforce performance thereof without further motion, unless the adverse party upon notice given (to his Attorney or Clerk in Court) that such report is filed against him, shall within eight days after such notice (if it be given in Term, or whiles the General Seals for motions are held, or within four days in the next Term, if it be given after) obtain

tain some Order in Court to controule or suspend the same. And in case of an insufficient Answer certified by the Masters, the Plaintiff may immediately take out Proces against the Defendent for his Costs, and to make a better Answer, as hath been formerly used.

Where after Certificate or Report made by the Masters of the Court, either party shall appeal from the same, to the judgement of the Court, he shall first file his exceptions thereunto briefly, with the Register, and depofite with him Forty shillings to be paid to the other party for his Costs, if he prevail not in such Appeal. And then the Register shall enter such Causes of Appeal in a paper in order as thay are

93.  
Appeals  
from them

F 3      brought

brought unto him to be determined by the Court in course upon days of motions, and notice thereof to be given by the party appealing, to the Clerk of the other side. And also the Registers Paper to be set up in the Office two days before. And if the Court shall not alter the Masters Report, then the forty shillings deposited to be paid to the party defending the same, with such increase as the Court shall find cause to impose, otherwise to be restored to the party appealing, and both without charge.

### *Petitions.*

94.  
No injunction to be granted on Petition.

**N**O Injunction for stay of Suit at Law shall be granted, revived, dissolved, or staid upon

upon Petition. Nor any Injunction of any other nature shall pass by Order upon Petition, without notice, and a Copy of the Petition first given to the other side, and the Petition filed with the Register, and the Order entred.

No Sequestration, Dismission, Retainers upon dismissions or final Orders, are to be granted upon Petition.

95.

Nor Sequestration, Dismission, Retainer, nor final Order.

No former Order made in Court is to be altered, or explained upon a Petition; no Commitment of any person taken upon Proces of contempt to be discharged by Order made upon Petition, unless in the Vacation, and upon hearing the adverse party, his Attorney, or Clerk in Court.

96.

Nor Order altered, or explained, nor commitment discharged.

97.  
No Com-  
missions  
to exa-  
mine wit-  
nesses to  
be award-  
ed, or dis-  
charged,  
nor exa-  
minations  
suppressed  
by Petiti-  
on.

No Commissions for ex-  
aminations of witnesses, shall be  
awarded or discharged, nor ex-  
aminations suppressed upon  
Petition, except it be upon  
point of the Course of the  
Court first referred to the six  
Clerks not towards the Cause  
and certificate thereupon.

### *Paupers.*

98.  
Not to  
pay Fees.

AFTER an admittance *Informa*  
*Pauperis*, no Fee, Profit, or  
Reward shall be taken of such  
Party admitted, by any Coun-  
cellor or Attorney for the dis-  
patch of the *Paupers* business,  
during the time it shall depend  
in Court, and he continued *In*  
*forma pauperis*; nor any con-  
tract, nor agreement be made  
for any Recompence, or Re-  
ward

ward afterwards. And if any Person offending herein shall be discovered to the Court, he shall undergo the displeasure of the Court, and such further punishment as the Court shall think fit to inflict upon him, and the party admitted, who shall give any such Fee or Reward, or make any such contract, or agreement, shall be from thenceforth *Dispaupered*, and not be afterwards admitted again in that Suit to prosecute *in forma pauperis*.

If it shall be made appear to the Court, That any Person prosecuting *in forma pauperis*, hath sold or contracted for the benefit of the suit, or any part thereof whiles the same depends, such cause shall be from thenceforth totally dismissed

99.

Not to contract for the benefit of the Suit.

missed the Court, and never again Retained.

**100.** Such Council, or Attorney  
 Council as shall be assigned by the Court  
 and Attorney assigned to do their duty. to assist the Person admitted *in forma pauperis*, either to prosecute or defend, may not refuse so to do, unless they satisfy the Lords Commissioners, or Master of the Roles who granted the admittance, with some good reason of their forbearance.

**101.** That Councillor who shall  
 Motions for them to be first made. move any thing to the Court, on the behalf of a Person admitted *in forma pauperis*, ought to have the order of admittance with him, and first to move the same, before any other motion. And if the Register shall find that such person was  
 not



not admitted *in forma pauperis*,  
 he shall not draw up any Or-  
 der upon the second motion  
 made by any such Council, but  
 he shall lose the fruit of such  
 second motion in respect of his  
 abuse to the Court.

No Proces of Contempt 102.  
 shall be made forth and sent to the Great Seal at the suit of any Person prosecuting as Plaintiff *in forma pauperis*, untill it be signed by the six Clerk who deals for him, and the six Clerks are to take care, that the such Proces be not taken out needlessly, or for vexation, but upon just and good cause, as they will answer it to the Court, if the contrary shall appear.


Proces of Contempt for them to be first signed by the six Clerk,

And lastly ; it is Ordered,  
 That all Masters of the Court  
 of 103.

of Chancery , Councillors ,  
and all Officers , Ministers ,  
Clerks , and Solicitors in the  
said Court , do observe these  
Orders , which are to conti-  
nue untill upon further Consi-  
deration and experience , any  
Alterations shall be thought fit  
to be made therein.

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*B. Whitelocke C.S.*  
*Rich. Keble C.S.*

*W. Lenthall Ma-*  
*ster of the Roles.*

